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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,254	07/02/2001	Lori Clifton	10004167-1	9983

7590 07/27/2006

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/897,254	CLIFTON, LORI	
	Examiner	Art Unit	
	Houshang Safaipoor	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9,12 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,9,12,16 and 17 is/are rejected.
- 7) ☒ Claim(s) 6 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

[Handwritten signature]

JEROME GRANT
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's amendment filed on May 10, 2006 have been fully considered and made of record.

Applicant's arguments have been considered but are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7, 9, 12, 16, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Toyomura et. al. (U.S. Patent No. 5,796,928).

Regarding claim 1, Toyomura et al. discloses a device for determining the media type of source media, comprising:

a light source (28) positioned to illuminate at least a portion of the source media (fig. 1, col. 4, lines 49-64);

a sensor (27) positioned relative to said light source (28) to view at least a portion of the source media illuminated by said light source (fig. 1, image sensor 27); and

a controller (CPU 37) connected to said sensor (fig. 2, CPU 37); and

a scan module (3) for scanning the source media, said scan module having scanning functionality discrete from said light source (28) and said sensor (27) and said scan module (fig.

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2, module 3, sensor 25) connected to said controller (CPU 37), wherein said controller is configured to determine the media type of the source media based on data received from said sensor sensing the illuminated source media, said data representing an amount of light reflected from the source media, and said controller is further configured to interpret scan data received from said scan module based on said determination (col. 7, lines 13-25).

Regarding claim 7, Toyomura discloses the device of claim 1, wherein the source media has a surface, and wherein said light source (28) and said sensor (27) both face said surface (fig. 1).

Regarding claims 9 and 16, Toyomura discloses a method for adjusting the interpretation of scanned data based on the type of source media scanned, comprising:

Illuminating (light source 28) at least a portion of the source media (fig. 1);

Sensing (image sensor 27) at least part of the illuminated portion of the source media (fig. 1, sensor 27); and

determining the media type of the source media based on data received from said sensing, said data representing an amount of light reflected from the source media (col. 7, lines 13-25);

scanning the source media (scanning module 3, sensor 25);

generating data as a result of said scanning (col. 2, lines 42-47); and

interpreting said data based on said determined media type (col. 5, line 53 to col. 6, line 28).

Regarding claims 12 and 17, Toyomura discloses the method of claim 9, wherein said determining comprises selecting one of a plurality of preset media types based on said sensing (col. 8, lines 36-51).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyomura et. al. (U.S. Patent No. 5,796,928).

Regarding claims 2 and 3, Toyomura does not identify the type of illumination source, however, LED's and incandescent lights are commonly used in film scanning art. Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to use either LED's or incandescent lights for illumination of the media.

Regarding claims 4 and 5, Toyomura does not identify the type of the image sensor (27). However the use of photoelectric cell or charge coupled device is well known and routinely implemented in the scanning art. Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to use either photoelectric cell or charge coupled device as image sensor (27).

Allowable Subject Matter

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and

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any intervening claims. The prior art does not teach "...the source media is interposed between said light source and said sensor".

Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not teach "...instructions for determining comprise instructions for determining the translucency of the source media based on said sensing".

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

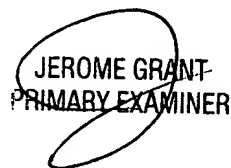
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (703)306-4037. The examiner can normally be reached on Mon.-Thurs. From 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (703)305-4537. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Houshang Safaipoor
Patent Examiner
Art Unit 2622
July 20, 2006



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PRIMARY EXAMINER